

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIJAH AGAPE CAIN,)
Petitioner,) CASE NO. C11-537-MJP
) (CR10-73-MJP)
v.)
UNITED STATES OF AMERICA,) ORDER OF DISMISSAL
Respondent.)

The Court, after careful consideration of petitioner's 28 U.S.C. § 2255 motion for writ of habeas corpus, the government's answer, petitioner's response, the Report and Recommendation of the Honorable James P. Donohue, the governing authorities and the balance of the record, does hereby find and ORDER:

- (1) The Report and Recommendation is ADOPTED;
 - (2) Petitioner's § 2255 motion is DENIED and this case is DISMISSED with prejudice;
 - (3) Petitioner is DENIED issuance of a certificate of appealability; and

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(4) The Clerk is directed to send copies of this Order to all counsel of record and to
Judge Donohue.

DATED this 15th day of September, 2011.


Marsha J. Pechman
United States District Judge